

08-03-01

A
J1036 U.S. PTO
09/921344
08/02/01

Practitioner's Docket No. 12524

PATENT

Preliminary Classification:

Proposed Class

Subclass

NOTE "All applicants are requested to include a preliminary classification on newly filed patent applications. The preliminary classification, preferably class and subclass designations, should be identified in the upper right-hand corner of the letter of transmittal accompanying the application papers, for example 'Proposed Class 2, subclass 129.'" MPEP § 601, 7th ed

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box Patent Application
Assistant Commissioner for Patents
Washington, D.C. 20231

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of
Inventor(s): Sherwood G. Talbert et al.

WARNING: 37 CFR § 1.41(a)(1) points out:

"(a) A patent is applied for in the name or names of the actual inventor or inventors

"(1) The inventorship of a nonprovisional application is that inventorship set forth in the oath or declaration as prescribed by § 1.63, except as provided for in § 1.53(d)(4) and § 1.63(d). If an oath or declaration as prescribed by § 1.63 is not filed during the pendency of a nonprovisional application, the inventorship is that inventorship set forth in the application papers filed pursuant to § 1.53(b), unless a petition under this paragraph accompanied by the fee set forth in § 1.17(i) is filed supplying or changing the name or names of the inventor or inventors."

For (title): THERMAL WATER TREATMENT

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is mandatory,
Express Mail certification is optional)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10 *

☐ with sufficient postage as first class mail

☒ as "Express Mail Post Office to Addressee"

Mailing Label No. EF261446375US (mandatory)

TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, (703) _____

Date: 8/02/2001

Signature

Klaus H. Wiesmann

(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

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JC893 U.S. PTO
08/02/01

09261344-080201

<p> 1. 1990-1991 2. 1991-1992 3. 1992-1993 4. 1993-1994 5. 1994-1995 6. 1995-1996 7. 1996-1997 8. 1997-1998 9. 1998-1999 10. 1999-2000 11. 2000-2001 12. 2001-2002 13. 2002-2003 14. 2003-2004 15. 2004-2005 16. 2005-2006 17. 2006-2007 18. 2007-2008 19. 2008-2009 20. 2009-2010 21. 2010-2011 22. 2011-2012 23. 2012-2013 24. 2013-2014 25. 2014-2015 26. 2015-2016 27. 2016-2017 28. 2017-2018 29. 2018-2019 30. 2019-2020 31. 2020-2021 32. 2021-2022 33. 2022-2023 34. 2023-2024 35. 2024-2025 36. 2025-2026 37. 2026-2027 38. 2027-2028 39. 2028-2029 40. 2029-2030 41. 2030-2031 42. 2031-2032 43. 2032-2033 44. 2033-2034 45. 2034-2035 46. 2035-2036 47. 2036-2037 48. 2037-2038 49. 2038-2039 50. 2039-2040 51. 2040-2041 52. 2041-2042 53. 2042-2043 54. 2043-2044 55. 2044-2045 56. 2045-2046 57. 2046-2047 58. 2047-2048 59. 2048-2049 60. 2049-2050 61. 2050-2051 62. 2051-2052 63. 2052-2053 64. 2053-2054 65. 2054-2055 66. 2055-2056 67. 2056-2057 68. 2057-2058 69. 2058-2059 70. 2059-2060 71. 2060-2061 72. 2061-2062 73. 2062-2063 74. 2063-2064 75. 2064-2065 76. 2065-2066 77. 2066-2067 78. 2067-2068 79. 2068-2069 80. 2069-2070 81. 2070-2071 82. 2071-2072 83. 2072-2073 84. 2073-2074 85. 2074-2075 86. 2075-2076 87. 2076-2077 88. 2077-2078 89. 2078-2079 90. 2079-2080 91. 2080-2081 92. 2081-2082 93. 2082-2083 94. 2083-2084 95. 2084-2085 96. 2085-2086 97. 2086-2087 98. 2087-2088 99. 2088-2089 100. 2089-2090 101. 2090-2091 102. 2091-2092 103. 2092-2093 104. 2093-2094 105. 2094-2095 106. 2095-2096 107. 2096-2097 108. 2097-2098 109. 2098-2099 110. 2099-2100 111. 2100-2101 112. 2101-2102 113. 2102-2103 114. 2103-2104 115. 2104-2105 116. 2105-2106 117. 2106-2107 118. 2107-2108 119. 2108-2109 120. 2109-2110 121. 2110-2111 122. 2111-2112 123. 2112-2113 124. 2113-2114 125. 2114-2115 126. 2115-2116 127. 2116-2117 128. 2117-2118 129. 2118-2119 130. 2119-2120 131. 2120-2121 132. 2121-2122 133. 2122-2123 134. 2123-2124 135. 2124-2125 136. 2125-2126 137. 2126-2127 138. 2127-2128 139. 2128-2129 140. 2129-2130 141. 2130-2131 142. 2131-2132 143. 2132-2133 144. 2133-2134 145. 2134-2135 146. 2135-2136 147. 2136-2137 148. 2137-2138 149. 2138-2139 150. 2139-2140 151. 2140-2141 152. 2141-2142 153. 2142-2143 154. 2143-2144 155. 2144-2145 156. 2145-2146 157. 2146-2147 158. 2147-2148 159. 2148-2149 160. 2149-2150 161. 2150-2151 162. 2151-2152 163. 2152-2153 164. 2153-2154 165. 2154-2155 166. 2155-2156 167. 2156-2157 168. 2157-2158 169. 2158-2159 170. 2159-2160 171. 2160-2161 172. 2161-2162 173. 2162-2163 174. 2163-2164 175. 2164-2165 176. 2165-2166 177. 2166-2167 178. 2167-2168 179. 2168-2169 180. 2169-2170 181. 2170-2171 182. 2171-2172 183. 2172-2173 184. 2173-2174 185. 2174-2175 186. 2175-2176 187. 2176-2177 188. 2177-2178 189. 2178-2179 190. 2179-2180 191. 2180-2181 192. 2181-2182 193. 2182-2183 194. 2183-2184 195. 2184-2185 196. 2185-2186 197. 2186-2187 198. 2187-2188 199. 2188-2189 200. 2189-2190 201. 2190-2191 202. 2191-2192 203. 2192-2193 204. 2193-2194 205. 2194-2195 206. 2195-2196 207. 2196-2197 208. 2197-2198 209. 2198-2199 210. 2199-2200 211. 2200-2201 212. 2201-2202 213. 2202-2203 214. 2203-2204 215. 2204-2205 216. 2205-2206 217. 2206-2207 218. 2207-2208 219. 2208-2209 220. 2209-2210 2</p>	
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(check one applicable item below)

- WARNING:** Do not use this transmittal for a completion in the U.S. of an International Application under 35 U.S.C. § 371(c)(4), unless the International Application is being filed as a divisional, continuation or continuation-in-part application.

NOTE If one of the following 3 items apply, then complete and attach ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF A PRIOR U S APPLICATION CLAIMED and a NOTIFICATION IN PARENT APPLICATION OF THE FILING OF THIS CONTINUATION APPLICATION

- 2. Benefit of Prior U.S. Application(s) (35 U.S.C. §§ 119(e), 120, or 121)**

37 CFR § 1.78(a)(1)

WARNING: *If an application claims the benefit of the filing date of an earlier filed application under 35 U S C §§ 120, 121 or 365(c), the 20-year term of that application will be based upon the filing date of the earliest US application that the application makes reference to under 35 U S C §§ 120, 121 or 365(c) (35 U S C § 154(a)(2) does not take into account, for the determination of the patent term, any application on which priority is claimed under 35 U S C §§ 119, 365(a) or 365(b)) For a c-i-p application, applicant should review whether any claim in the patent that will issue is supported by an earlier application and, if not, the applicant should consider canceling the reference to the earlier filed application. The term of a patent is not based on a claim-by-claim approach. See Notice of April 14, 1995, 60 Fed. Reg. 20,195, at 20,205.*

- ☐ Preliminary Amendment
- ☐ Information Disclosure Statement (37 C.F.R. § 1.98)
- ☐ Form PTO-1449 (PTO/SB/08A and 08B)
- ☐ Citations
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
- ☐ Authorization of Attorney(s) to Accept and Follow Instructions from Representative
- ☐ Special Comments
- ☐ Other

5. Declaration or oath (including power of attorney)

NOTE: A newly executed declaration is not required in a continuation or divisional application provided that the prior nonprovisional application contained a declaration as required, the application being filed is by all or fewer than all the inventors named in the prior application, there is no new matter in the application being filed, and a copy of the executed declaration filed in the prior application (showing the signature or an indication thereon that it was signed) is submitted. The copy must be accompanied by a statement requesting deletion of the names of person(s) who are not inventors of the application being filed. If the declaration in the prior application was filed under § 1.47, then a copy of that declaration must be filed accompanied by a copy of the decision granting § 1.47 status or, if a nonsigning person under § 1.47 has subsequently joined in a prior application, then a copy of the subsequently executed declaration must be filed. See 37 C.F.R. §§ 1.63(d)(1)-(3).

NOTE: A declaration filed to complete an application must be executed, identify the specification to which it is directed, identify each inventor by full name including family name and at least one given name, without abbreviation together with any other given name or initial, and the residence, post office address and country or citizenship of each inventor, and state whether the inventor is a sole or joint inventor. 37 C.F.R. § 1.63(a)(1)-(4).

NOTE: "The inventorship of a nonprovisional application is that inventorship set forth in the oath or declaration as prescribed by § 1.62, except as provided for in § 1.53(d)(4) and § 1.63(d). If an oath or declaration as prescribed by § 1.63 is not filed during the pendency of a nonprovisional application, the inventorship is that inventorship set forth in the application papers filed pursuant to § 1.53(b), unless a petition under this paragraph accompanied by the fee set forth in § 1.17(i) is filed supplying or changing the name or names of the inventor or inventors." 37 C.F.R. § 1.41(a)(1).

- ☒ Enclosed
Executed by

(check all applicable boxes)

- ☒ inventor(s).
- ☐ legal representative of inventor(s). 37 C.F.R. §§ 1.42 or 1.43.
 - ☐ joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.
 - ☐ This is the petition required by 37 C.F.R. § 1.47 and the statement required by 37 C.F.R. § 1.47 is also attached. See item 13 below for fee.

- ☐ Not Enclosed.

NOTE: Where the filing is a completion in the U.S. of an International Application or where the completion of the U.S. application contains subject matter in addition to the International Application, the application may be treated as a continuation or continuation-in-part, as the case may be, utilizing ADDED PAGE FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION CLAIMED.

- ☐ Application is made by a person authorized under 37 C.F.R. § 1.41(c) on behalf of *all* the above named inventor(s).

(The declaration or oath, along with the surcharge required by 37 C.F.R. § 1.16(e) can be filed subsequently).

- ☐ Showing that the filing is authorized.
(not required unless called into question. 37 C.F.R. § 1.41(d))

6. Inventorship Statement

WARNING: *If the named inventors are each not the inventors of all the claims an explanation, including the ownership of the various claims at the time the last claimed invention was made, should be submitted.*

The inventorship for all the claims in this application are:

- ☐ The same.

or

- ☒ Not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made,
☐ is submitted.
☒ will be submitted.

7. Language

NOTE: *An application including a signed oath or declaration may be filed in a language other than English. An English translation of the non-English language application and the processing fee of \$130.00 required by 37 C.F.R. § 1.17(k) is required to be filed with the application, or within such time as may be set by the Office. 37 C.F.R. § 1.52(d).*

- ☒ English
☐ Non-English
☐ The attached translation includes a statement that the translation is accurate. 37 C.F.R. § 1.52(d).

8. Assignment

- ☒ An assignment of the invention to Battelle Memorial Institute

☒ is attached. A separate ☒ "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or ☐ FORM PTO 1595 is also attached.

- ☐ will follow.

NOTE: *"If an assignment is submitted with a new application, send two separate letters—one for the application and one for the assignment." Notice of May 4, 1990 (1114 O.G. 77-78).*

WARNING: *A newly executed "CERTIFICATE UNDER 37 C.F.R. § 3.73(b)" must be filed when a continuation-in-part application is filed by an assignee. Notice of April 30, 1993, 1150 O.G. 62-64.*

- ☐ This is a ☐ continuation ☐ divisional application and the assignment document for the parent application 0 / _____ was filed on _____.

Reel _____

Frame _____

9. Certified Copy

Certified copy(ies) of application(s)

Country	Appln. No.	Filed
Country	Appln. No.	Filed
Country	Appln. No.	Filed

from which priority is claimed

☐ is (are) attached.

☐ will follow.

NOTE: The foreign application forming the basis for the claim for priority must be referred to in the oath or declaration. 37 C.F.R. § 1.55(a) and 1.63.

NOTE: This item is for any foreign priority for which the application being filed directly relates. If any parent U.S. application or International Application from which this application claims benefit under 35 U.S.C. § 120 is itself entitled to priority from a prior foreign application, then complete item 18 on the ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

10. Fee Calculation (37 C.F.R. § 1.16)

A. ☒ Regular application

CLAIMS AS FILED			
Number filed	Number Extra	Rate	Basic Fee 37 C.F.R. § 1.16(a) \$710.00
Total Claims (37 C.F.R. § 1.16(c))	106 - 20 = 86	× \$ 18.00	\$1,548.00
Independent Claims (37 C.F.R. § 1.16(b))	23 - 3 = 20	× \$ 80.00	\$1,600.00
Multiple dependent claim(s), if any (37 C.F.R. § 1.16(d))		+ \$270.00	

☐ Amendment cancelling extra claims is enclosed.

☐ Amendment deleting multiple-dependencies is enclosed.

☐ Fee for extra claims is not being paid at this time.

NOTE: If the fees for extra claims are not paid on filing they must be paid or the claims cancelled by amendment, prior to the expiration of the time period set for response by the Patent and Trademark Office in any notice of fee deficiency. 37 C.F.R. § 1.16(d).

Filing Fee Calculation \$ 3,858.00

B. ☐ Design application

(\$310.00—37 C.F.R. § 1.16(f))

Filing Fee Calculation \$ _____

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- C. ☐ Plant application
(\$480.00—37 C.F.R. § 1.16(g))

Filing fee calculation

\$ _____

11. Assertion of Small Entity Status

☒ Applicant hereby asserts status as a small entity under 37 C.F.R. § 1.27

NOTE: 37 C.F.R. § 1.27(c) deals with the assertion of small entity status, whether by a written specific declaration thereof or by payment as a small entity of the basic filing fee or the fee for the entry into the national phase and states:

“(c) Assertion of small entity status. Any party (person, small business concern or nonprofit organization) should make a determination, pursuant to paragraph (f) of this section, of entitlement to be accorded small entity status based on the definitions set forth in paragraph (a) of this section, and must, in order to establish small entity status for the purpose of paying small entity fees, actually make an assertion of entitlement to small entity status, in the manner set forth in paragraphs (c)(1) or (c)(3) of this section, in the application or patent in which such small entity fees are to be paid.

(1) Assertion by writing. Small entity status may be established by a written assertion of entitlement to small entity status. A written assertion must:

- (i) Be clearly identifiable;*
- (ii) Be signed (see paragraph (c)(2) of this section); and*
- (iii) Convey the concept of entitlement to small entity status, such as by stating that applicant is a small entity, or that small entity status is entitled to be asserted for the application or patent. While no specific words or wording are required to assert small entity status, the intent to assert small entity status must be clearly indicated in order to comply with the assertion requirement.*

(2) Parties who can sign and file the written assertion. The written assertion can be signed by:

- (i) One of the parties identified in § 1.33(b) (e.g., an attorney or agent registered with the Office), § 3.73(b) of this chapter notwithstanding, who can also file the written assertion;*
- (ii) At least one of the individuals identified as an inventor (even though a § 1.63 executed oath or declaration has not been submitted), notwithstanding § 1.33(b)(4), who can also file the written assertion pursuant to the exception under § 1.33(b) of this part; or*
- (iii) An assignee of an undivided part interest, notwithstanding §§ 1.33(b)(3) and 3.73(b) of this chapter, but the partial assignee cannot file the assertion without resort to a party identified under § 1.33(b) of this part.*

(3) Assertion by payment of the small entity basic filing or basic national fee. The payment, by any party, of the exact amount of one of the small entity basic filing fees set forth in §§ 1.16(a), (f), (g), (h), or (k), or one of the small entity basic national fees set forth in §§ 1.492(a)(1), (a)(2), (a)(3), (a)(4), or (a)(5), will be treated as a written assertion of entitlement to small entity status even if the type of basic filing or basic national fee is inadvertently selected in error.

(i) If the Office accords small entity status based on payment of a small entity basic filing or basic national fee under paragraph (c)(3) of this section that is not applicable to that application, any balance of the small entity fee that is applicable to that application will be due along with the appropriate surcharge set forth in § 1.16(e), or § 1.16(f).

(ii) The payment of any small entity fee other than those set forth in paragraph (c)(3) of this section (whether in the exact fee amount or not) will not be treated as a written assertion of entitlement to small entity status and will not be sufficient to establish small entity status in an application or a patent.”

WARNING: 37 C.F.R. § 1.27(c)(4): "Assertion required in related, continuing, and reissue applications. Status as a small entity must be specifically established by an assertion in each related, continuing and reissue application in which status is appropriate and desired. Status as a small entity in one application or patent does not affect the status of any other application or patent, regardless of the relationship of the applications or patents. The refiling of an application under § 1.53 as a continuation, divisional, or continuation-in-part application (including a continued prosecution application under § 1.53(d)), or the filing of a reissue application, requires a new assertion as to continued entitlement to small entity status for the continuing or reissue application."

WARNING: "Small entity status must not be established when the person or persons signing the . . . statement can *unequivocally* make the required self-certification." M.P.E.P., § 509.03 (emphasis added).

(complete the following, if applicable)

- ☐ Status as a small entity was asserted in the prior application
_____ / _____, filed on _____, from which benefit
is being claimed for this application under:

35 U.S.C. § ☐ 119(e)
☐ 120
☐ 121
☐ 365(c)

and which status as a small entity is still proper and asserted for this application.

- ☐ A copy of the written assertion of small entity filed in the prior application is included.

NOTE: A refund based on establishment of small entity status, of a portion of fees timely paid in full prior to establishing status as a small entity may only be obtained if an assertion under § 1.27(c) and a request for a refund of the excess amount are filed within three months of the date of the timely payment of the full fee. The three-month time period is not extendable under § 1.136. 37 C.F.R. § 1.28(a).

Filing Fee Calculation (50% of A, B or C above)

\$ 1,929.00

12. Request for International-Type Search (37 C.F.R. § 1.104(d))

(complete, if applicable)

- ☐ Please prepare an international-type search report for this application at the time when national examination on the merits takes place.

13. Fee Payment Being Made at This Time

☐ Not Enclosed

☐ No filing fee is to be paid at this time.

(This and the surcharge required by 37 C.F.R. § 1.16(e) can be paid subsequently.)

☒ Enclosed

☒ Filing fee \$ 1,929.00

☐ Recording assignment
(\$40.00; 37 C.F.R. § 1.21(h))
(See attached "COVER SHEET FOR
ASSIGNMENT ACCOMPANYING NEW
APPLICATION".) \$ _____

☐ Petition fee for filing by other than all the
inventors or person on behalf of the inventor
where inventor refused to sign or cannot be
reached
(\$130.00; 37 C.F.R. §§ 1.47 and 1.17(i)) \$ _____

☐ For processing an application with a
specification in
a non-English language
(\$130.00; 37 C.F.R. §§ 1.52(d) and 1.17(k)) \$ _____

☐ Processing and retention fee
(\$130.00; 37 C.F.R. §§ 1.53(d) and 1.21(l)) \$ _____

☐ Fee for international-type search report
(\$40.00; 37 C.F.R. § 1.21(e)) \$ _____

NOTE: 37 C.F.R. § 1.21(l) establishes a fee for processing and retaining any application that is abandoned for failing to complete the application pursuant to 37 C.F.R. § 1.53(f) and this, as well as the changes to 37 C.F.R. §§ 1.53 and 1.78(a)(1), indicate that in order to obtain the benefit of a prior U.S. application, either the basic filing fee must be paid, or the processing and retention fee of § 1.21(l) must be paid, within 1 year from notification under § 53(f).

Total fees enclosed \$ 1,929.00

14. Method of Payment of Fees

☐ Attached is a ☐ check ☐ money order in the amount of \$ _____

☒ Authorization is hereby made to charge the amount of \$ 1,929.00 _____

☐ to Deposit Account No. _____

☒ to Credit card as shown on the attached credit card information authorization form PTO-2038.

WARNING: Credit card information should **not** be included on this form as it may become public.

☒ Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

15. Authorization to Charge Additional Fees

WARNING: If no fees are to be paid on filing, the following items should not be completed.

WARNING: Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges, if extra claim charges are authorized.

☒ The Office is hereby authorized to charge, in the manner shown above, the following additional fees that may be required by this paper and during the entire pendency of this application.

☒ 37 C.F.R. § 1.16(a), (f) or (g) (filing fees)

☒ 37 C.F.R. § 1.16(b), (c) and (d) (presentation of extra claims)

NOTE: Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 C.F.R. § 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.

☐ 37 C.F.R. § 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

☐ 37 C.F.R. § 1.17(a)(1)–(5) (extension fees pursuant to § 1.136(a)).

☐ 37 C.F.R. § 1.17 (application processing fees)

NOTE: “. . . A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under § 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in § 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission.” 37 C.F.R. § 1.136(a)(3).

☐ 37 C.F.R. § 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. § 1.311(b))

NOTE: Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 C.F.R. § 1.311(b).

NOTE: 37 C.F.R. § 1.28(b) requires “Notification of any change in status resulting in loss of entitlement to small entity status must be filed in the application . . . prior to paying, or at the time of paying, . . . the issue fee. . . .” From the wording of 37 C.F.R. § 1.28(b), (a) notification of change of status must be made even if the fee is paid as “other than a small entity” and (b) no notification is required if the change is to another small entity.

16. Instructions as to Overpayment

NOTE: “. . . Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by credit to a deposit account.” 37 C.F.R. § 1.26(a).

☐ Credit Account No. _____

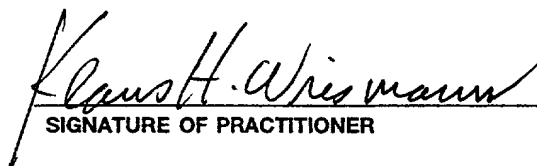
☐ Refund

FOUO - FTE 2650

Reg. No. 30,437

Tel. No. (614 424-6589

Customer No. 24116


SIGNATURE OF PRACTITIONER

Klaus H. Wiesmann

(type or print name of attorney)

Battelle Memorial Institute

P.O. Address

505 King Avenue
Columbus OH 43201-2693

☐ **Incorporation by reference of added pages**

(check the following item if the application in this transmittal claims the benefit of prior U.S. application(s) (including an international application entering the U.S. stage as a continuation, divisional or C-I-P application) and complete and attach the ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED)

- ☐ Plus Added Pages for New Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed

Number of pages added _____

- ☐ Plus Added Pages for Papers Referred to in Item 4 Above

Number of pages added _____

- ☐ Plus added pages deleting names of inventor(s) named in prior application(s) who is/are no longer inventor(s) of the subject matter claimed in this application.

Number of pages added _____

- ☒ Plus "Assignment Cover Letter Accompanying New Application"

Number of pages added 19

☐ **Statement Where No Further Pages Added**

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